



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/351,147 07/12/99 CHESTER

A 10164-1

023455 IM22/1219  
EXXONMOBIL CHEMICAL COMPANY  
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EXAMINER

GRIFFIN, W

ART UNIT

PAPER NUMBER

1764

10

DATE MAILED:

12/19/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Advisory Action**

Application No.  
**09/351,147**

Applicant(s)  
**Chester et al.**

Examiner  
**Walter D. Griffin**

Group Art Unit  
**1764**



**THE PERIOD FOR RESPONSE:** [check only a) or b)]

- a) ☐ expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Dec 11, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☒ The proposed amendment(s):

☒ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

☐ will not be entered because:

- ☐ they raise new issues that would require further consideration and/or search. (See note below).
- ☐ they raise the issue of new matter. (See note below).
- ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ Applicant's response has overcome the following rejection(s):

\_\_\_\_\_  
\_\_\_\_\_

- ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attachment.

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: \_\_\_\_\_

Claims objected to: \_\_\_\_\_

Claims rejected: 1-10

- ☐ The proposed drawing correction filed on \_\_\_\_\_ ☐ has ☐ has not been approved by the Examiner.

- ☒ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). 8

- ☒ Other See decision on petition to consider the Information Disclosure Statement.

**WALTER D. GRIFFIN  
PRIMARY EXAMINER  
ART UNIT 1764**

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## **ATTACHMENT**

### ***Response to Arguments***

The argument that one skilled in the art would not combine the Ladwig and Adewuyi references because the feeds and catalysts are so different is not persuasive because the teaching in Adewuyi that phosphorus stabilizes and improves attrition resistance in ZSM-5 would apply regardless of the process in which the ZSM-5 is used.

The argument that one would not consider phosphorus treatment for the purpose of increasing olefin yields is not persuasive because the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter Griffin whose telephone number is (703) 305-3774. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marian Knode can be

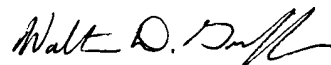
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reached at (703) 308-4311. The fax phone number for this Group is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



WALTER D. GRIFFIN  
PRIMARY EXAMINER  
ART UNIT 1764

WG

December 18, 2000

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER OF  
PATENTS AND TRADEMARKS  
Washington, D.C. 20231

In re application of: :  
Chester, A. W. et al. :  
Serial No.: 09/351147 :  
Filed: July 12, 1999 : DECISION ON PETITION  
For: CATALYTIC PRODUCTION OF LIGHT OLEFINS :  
FROM NAPTHA FEED :

This is a decision on the petition filed 12/11/00 under the provisions of 37 CFR §1.97(d), requesting consideration of an Information Disclosure Statement filed after the Final Rejection.

The submission is in compliance with the provisions of 37 CFR 1.97(d). Accordingly, the petition is granted and the information statement was considered by the examiner. A copy of the 1449 is attached to this communication.

PETITION GRANTED.

*Marian C. Knode*

Marian C. Knode  
Supervisory Patent Examiner  
Technology Center 1700